

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

* **CASE NO. 08-06013 GAC**

**RUBEN MONSANTO ORTIZ
MAILYN MUNTANER PEREZ**

* **CHAPTER 13**

Debtors

* * * * *

MOTION TO DISMISS

TO THE HONORABLE COURT:

Now comes secured creditor Coop. A/C Oriental, by his undersigned attorney and respectfully alleges:

1. Debtors filed this bankruptcy petition on September 12, 2008, and relief was granted and plan was confirmed on December 8, 2008.
2. Debtors are in arrears in their payments to the Trustee for the amount of \$1,100.00. (See attached)
3. Debtors are also in arrears in their direct payments to herein creditor as per confirmed plan in the amount of \$1,297.19 dollars. (See attached)
4. There have been unreasonable delay on the part of the debtors that is prejudicial to creditor (11 U.S.C. Sec. 1307(c)(1) and 1307(6), wherefore this case should be dismissed.

WHEREFORE appearing secured creditor prays this Honorable Court dismiss this case, pursuant to 11 U.S.C. 1307(c)(1) and 1307(6).

NOTICE

30 DAYS NOTICE: Pursuant to General Order No. 05-09, the Debtor(s), his/her/their counsel of record, and all those parties in interest who have filed a notice of appearance in this case, are hereby notified that unless a party in interest files an objection hereto within 30 days from the date of this notice, the case may be dismissed or converted

without the need of further notice or hearing.

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Roberto Figueroa Carrasquillo, Esq., e.mail:rfigueroa@prtc.net; Alejandro Oliveras, Chapter 13 Trustee, e.mail: aorecf@ch13sju.com; Monsita Lecaroz Arribas, U.S. Trustee, e.mail: ustpregion21.hr.ecf@usdoj.gov and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: Rubén Monsanto Ortiz, Mailyn Muntaner Pérez, P.O. Box 3531, Juncos, P.R. 00777.

In San Juan, Puerto Rico, this 4th day of January of 2011.

s/ Luis Fred Salgado
LUIS FRED SALGADO, Esq. (117003)
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: * **CASE NO. 08-06013 GAC**

RUBEN MONSANTO ORTIZ * **CHAPTER 13**
MAILYN MUNTANER PEREZ

Debtor

* * * * *

SWORN STATEMENT IN COMPLIANCE WITH SERVICEMEMBERS

CIVIL RELIEF ACT OF 2003

I, Rosaura López, of legal age, Collection Supervisor, and resident of Humacao, Puerto Rico, hereby STATES:

That as to this date January 4, 2011, by a search and review of the records kept by Coop. A/C Oriental, in the regular course of business in regard to debtor account with this creditor there is no information that will lead the undersign to belief that debtor is a regular service member either on active duty or under a call to active duty, in the National Guard or as a Commission Officer of the Public Health Services or the National Oceanic and Atmospheric Administration (NOAA) in active duty.

The creditor has not received any written notice from debtor that his military status has change as to this date. That as part of my search I examined the documents and records available to me within our computer system.

IN TESTIMONY WHEREOF I SIGN THESE PRESENTS under penalty of perjury, in Humacao, Puerto Rico, this 4th day of January of 2011.

/S/Rosaura López

COOPERATIVA ORIENTAL

CENTRO COMERCIAL HUMACAO

CERTIFICACION

08-06013-GAC 13

Num. Caso: -----

RUBEN MONSANTO / MAILYN MUNTANER

Nombre-----

322555

Num. De Socio: -----

N/A

Deudores Solidarios-----
N/A

		9,445.89
Balance Adeudado	\$-----	
		215.37
Intereses Vencidos a la fecha de Radicación	\$-----	
RECARGOS	0.01	
		9,661.27
	\$-----	
		- 177.95
Acciones:	\$-----	
Depósitos:		
TOTAL	9,483.32	
	\$-----	

Comentario: AUTO EN QUIEBRA ATRASOS SON \$ 1,297.19

01/03/11

1/4/11

FECHA

DEPARTAMENTO DE COBROS

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08-06013-BKT	RUBEN MONSANTO ORTIZ (xxx-xx-1940) MAILYN MUNTANER PEREZ (xxx-xx-5627) Trustee: ALEJANDRO OLIVERAS RIVERA	PO BOX 3531 • JUNCOS • PR • 00777 Attorney: R FIGUEROA CARRASQUILLO LAW OFFICE PSC*	\$250.00 MO	Bar Date(s): 1/18/2009 (has passed) 3/11/2009 (has passed)
				Confirmed: 12/8/2008 Case Status: ACTIVE-INT 2 AUDIT

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
10/12/2008	60.00	\$250.00	MONTHLY	RUBEN MONSANTO ORTIZ	9/16/2008	
10/12/2013	end of plan	\$0.00	MONTHLY	RUBEN MONSANTO ORTIZ	9/16/2008	

Forgive Information

Date	Amount	Description

Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	10/12/2008	11/11/2008	\$250.00	\$250.00
2	11/12/2008	12/11/2008	\$250.00	\$500.00
3	12/12/2008	1/11/2009	\$250.00	\$750.00
4	1/12/2009	2/11/2009	\$250.00	\$1,000.00
5	2/12/2009	3/11/2009	\$250.00	\$1,250.00
6	3/12/2009	4/11/2009	\$250.00	\$1,500.00
7	4/12/2009	5/11/2009	\$250.00	\$1,750.00
8	5/12/2009	6/11/2009	\$250.00	\$2,000.00
9	6/12/2009	7/11/2009	\$250.00	\$2,250.00
10	7/12/2009	8/11/2009	\$250.00	\$2,500.00
11	8/12/2009	9/11/2009	\$250.00	\$2,750.00
12	9/12/2009	10/11/2009	\$250.00	\$3,000.00
13	10/12/2009	11/11/2009	\$250.00	\$3,250.00
14	11/12/2009	12/11/2009	\$250.00	\$3,500.00
15	12/12/2009	1/11/2010	\$250.00	\$3,750.00
16	1/12/2010	2/11/2010	\$250.00	\$4,000.00
17	2/12/2010	3/11/2010	\$250.00	\$4,250.00
18	3/12/2010	4/11/2010	\$250.00	\$4,500.00
19	4/12/2010	5/11/2010	\$250.00	\$4,750.00
20	5/12/2010	6/11/2010	\$250.00	\$5,000.00
21	6/12/2010	7/11/2010	\$250.00	\$5,250.00
22	7/12/2010	8/11/2010	\$250.00	\$5,500.00
23	8/12/2010	9/11/2010	\$250.00	\$5,750.00
24	9/12/2010	10/11/2010	\$250.00	\$6,000.00
25	10/12/2010	11/11/2010	\$250.00	\$6,250.00
26	11/12/2010	12/11/2010	\$250.00	\$6,500.00
27	12/12/2010	1/11/2011	\$250.00	\$6,750.00
28	1/12/2011	2/11/2011	\$250.00	\$7,000.00
29	2/12/2011	3/11/2011	\$250.00	\$7,250.00
30	3/12/2011	4/11/2011	\$250.00	\$7,500.00
31	4/12/2011	5/11/2011	\$250.00	\$7,750.00
32	5/12/2011	6/11/2011	\$250.00	\$8,000.00
33	6/12/2011	7/11/2011	\$250.00	\$8,250.00
34	7/12/2011	8/11/2011	\$250.00	\$8,500.00
35	8/12/2011	9/11/2011	\$250.00	\$8,750.00
36	9/12/2011	10/11/2011	\$250.00	\$9,000.00
37	10/12/2011	11/11/2011	\$250.00	\$9,250.00
38	11/12/2011	12/11/2011	\$250.00	\$9,500.00
39	12/12/2011	1/11/2012	\$250.00	\$9,750.00
40	1/12/2012	2/11/2012	\$250.00	\$10,000.00
41	2/12/2012	3/11/2012	\$250.00	\$10,250.00
42	3/12/2012	4/11/2012	\$250.00	\$10,500.00
43	4/12/2012	5/11/2012	\$250.00	\$10,750.00
44	5/12/2012	6/11/2012	\$250.00	\$11,000.00
45	6/12/2012	7/11/2012	\$250.00	\$11,250.00
46	7/12/2012	8/11/2012	\$250.00	\$11,500.00
47	8/12/2012	9/11/2012	\$250.00	\$11,750.00
48	9/12/2012	10/11/2012	\$250.00	\$12,000.00
49	10/12/2012	11/11/2012	\$250.00	\$12,250.00
50	11/12/2012	12/11/2012	\$250.00	\$12,500.00
Total				\$12,500.00

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	10/12/2013	11/11/2013	\$0.00	\$0.00
Total				\$0.00

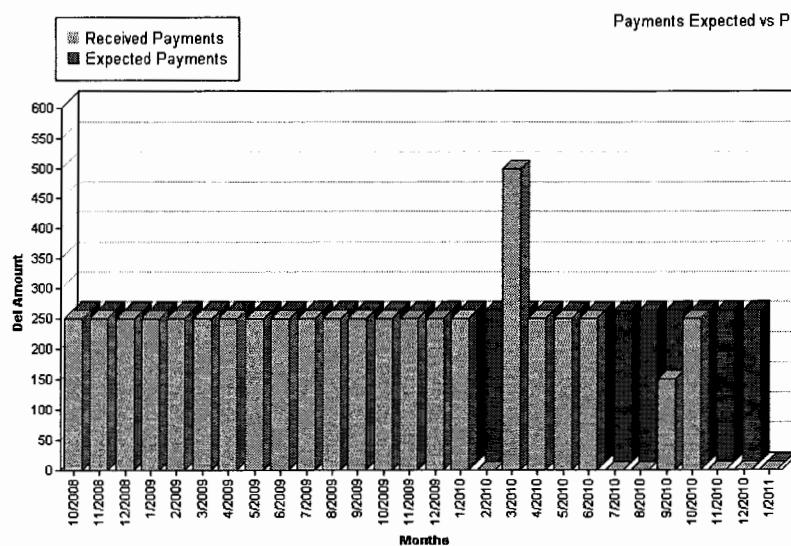
Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	10/2008	\$250.00	\$250.00		\$0.00
2	11/2008	\$250.00	\$250.00		\$0.00
3	12/2008	\$250.00	\$250.00		\$0.00
4	1/2009	\$250.00	\$250.00		\$0.00
5	2/2009	\$250.00	\$250.00		\$0.00
6	3/2009	\$250.00	\$250.00		\$0.00
7	4/2009	\$250.00	\$250.00		\$0.00
8	5/2009	\$250.00	\$250.00		\$0.00
9	6/2009	\$250.00	\$250.00		\$0.00
10	7/2009	\$250.00	\$250.00		\$0.00
11	8/2009	\$250.00	\$250.00		\$0.00
12	9/2009	\$250.00	\$250.00		\$0.00
13	10/2009	\$250.00	\$250.00		\$0.00
14	11/2009	\$250.00	\$250.00		\$0.00
15	12/2009	\$250.00	\$250.00		\$0.00
16	1/2010	\$250.00	\$250.00		\$0.00
17	2/2010	\$250.00			\$250.00
18	3/2010	\$250.00	\$500.00		\$0.00
19	4/2010	\$250.00	\$250.00		\$0.00
20	5/2010	\$250.00	\$250.00		\$0.00
21	6/2010	\$250.00	\$250.00		\$0.00
22	7/2010	\$250.00			\$250.00
23	8/2010	\$250.00			\$500.00
24	9/2010	\$250.00	\$150.00		\$600.00

25	10/2010	\$250.00	\$250.00	\$600.00
26	11/2010	\$250.00	\$250.00	\$850.00
27	12/2010	\$250.00	\$250.00	\$1,100.00
28	1/2011			\$1,100.00

Total Delinquent Amount: \$1,100.00

Payments Expected vs Payments Received



Total Delinquency Amount

